

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 25, 2005. Claims 1-20 were pending in the Application. In the Office Action, Claims 1-20 were rejected. Claims 1-20 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

Applicant has amended the specification beginning on page 1 to provide serial numbers of the indicated related applications. Favorable action is respectfully requested by the Examiner.

In the Office Action, the following actions were taken or matters were raised:

SECTION 102 REJECTIONS

Claims 1-20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,279,113 issued to Vaidya (hereinafter "*Vaidya*"). Applicant respectfully traverses this rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Additionally, "[t]he identical invention must be shown in as complete detail as is contained in . . . the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); MPEP 2131.

Of the rejected claims, Claims 1, 7 and 17 are independent. Applicant respectfully submits that *Vaidya* does not disclose or even suggest each and every limitation of independent Claims 1, 7 and 17.

Independent Claim 1 recites, at least in part, "receiving a packet by an intrusion prevention system," "invoking a signature analysis algorithm" and "comparing the packet by the intrusion prevention system with a first rule set comprising a rule logically defining a packet signature" (emphasis added). In rejecting independent Claim 1, the Examiner has simply reproduced all the claim limitations of Claim 1 and then refers generally to various

portions of *Vaidya* (Office Action, pages 2-3). Applicant respectfully reminds the Examiner that 35 U.S.C. § 102 clearly states that “[a] person shall be entitled to a patent unless” Accordingly, the burden for proving anticipation under 35 U.S.C. § 102 is on the Examiner, and it is the Examiner who has to prove that a claim is not patentable. In rejecting Claim 1, the Examiner has not provided any reasoning or made any assertions as to why he believes that the portions of *Vaidya* referred to anticipate Claim 1. Applicant submits that the cited portions of *Vaidya* do not teach or suggest all limitations of Claim 1. For example, regarding Claim 1’s recitation of “comparing the packet by the intrusion prevention system with a first rule set comprising a rule logically defining a packet signature” (emphasis added), the Examiner refers generally to “(Col 7 lines 32-36)” of *Vaidya* (Office Action, pages 2-3). Column 7, lines 32-36 of *Vaidya* recite the following:

The configuration builder module 32 temporarily stores the applicable attack signature profiles in an instruction cache 42. The virtual processor 36 processes the attack signature profiles to determine whether the packet is associated with a network intrusion attempt.

Thus, Applicant respectfully submits that the portion of *Vaidya* referred to by the Examiner fails to disclose or even suggest at least the above-referenced limitation(s) recited by independent Claim 1, and Applicant is unable to determine why the Examiner believes that the portion of *Vaidya* referred to by the Examiner anticipates Claim 1. Applicant respectfully reminds the Examiner that in order to make a prima facie case of anticipation, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim” and that each and every element as set forth in the claim must be found in the reference. Applicant submits that such detail is lacking in *Vaidya*, and the Office Action fails to explain why the Examiner believes that such detail is present in *Vaidya*. To the contrary, Applicant respectfully submits that *Vaidya* does not disclose or even suggest, either in the portion referred to by the Examiner or elsewhere in *Vaidya*, “a first rule set comprising a rule logically defining a packet signature” as recited by independent Claim 1 (emphasis added). Therefore, for at least this reason, Applicant submits that *Vaidya* does not anticipate independent Claim 1.

Independent Claim 7 recites, at least in part, an “intrusion prevention system comprising an associative process engine and an input/output control layer, the input/output control layer operable to receive a signature file generated from a network exploit rule comprising an operand, an operator and a mask” where “the input/output control layer [is] operable to pass the signature file to the associative process engine, the associative process engine operable to analyze a data packet with the signature file and assign a logical value to the signature file dependent upon a result from the analysis” (emphasis added). In rejecting Claim 7, the Examiner merely reproduces all the claim limitations of Claim 7 and then refers generally to various portions of *Vaidya* (Office Action, pages 4-5). For example, regarding the above-referenced limitation(s), the Examiner merely states “(Col 7 lines 24-36, Col 6 lines 7-11, and Col 10 lines 25-45)” and “(Col 11 lines 15-50),” respectively (Office Action, pages 4-5) without indicating which components of *Vaidya* the Examiner is relying on to purportedly teach, for example, “an associative process engine,” “an input/output control layer,” “a network exploit rule,” “an operand, an operator and a mask” of such “network exploit rule” or “assign[ing] a logical value to the signature file” as recited by Claim 7. Because the Office Action fails to provide any indication of which components of *Vaidya* are relied upon by the Examiner to teach the limitations of Claim 7, Applicant finds it difficult, if not impossible, to adequately address the Examiner’s rejection. Applicant requests the Examiner to clearly indicate which components of *Vaidya* the Examiner is relying on to teach the limitations of Claim 7 so that Applicant may have an opportunity to address the Examiner’s concerns. For example, independent Claim 7 recites “a signature file generated from a network exploit rule comprising an operand, an operator and a mask” (emphasis added). Regarding the above-referenced limitation(s), the Examiner merely states “(Col 7 lines 24-36, Col 6 lines 7-11, and Col 10 lines 25-45)” (Office Action, page 4). Column 7, lines 32-36 of *Vaidya* are recited above, and Column 6, lines 7-11 of *Vaidya* recite the following:

The configuration builder module 32 accesses the appropriate attack signature profile sets during operation of the data collector 10 and provides the attack signature profiles to a stateful dynamic signature inspection (SDSI) virtual processor 36.

Further, column 10, lines 25-45 of *Vaidya* appear to be directed toward “[a] formal description of an attack signature in a loose BNR parsing grammar” (*Vaidya*, Column 10, lines 22-23) (emphasis added). Thus, *Vaidya* does not appear to disclose or even suggest “a network exploit rule” from which an attack signature is generated where the “network exploit rule compris[es] an operand, an operator and a mask” as recited by Claim 7.

Additionally, regarding Claim 7’s recitation of “the input/output control layer operable to pass the signature file to the associative process engine, the associative process engine operable to analyze a data packet with the signature file and assign a logical value to the signature file dependent upon a result from the analysis” (emphasis added), the Examiner merely states “(Col 11 lines 15-50)” (Office Action, pages 4-5). Column 11, lines 15-50 of *Vaidya* appear to be directed toward a method for processing a sequential attack signature by splitting the attack signature into separate expressions and sequentially evaluating each separate expression with a data packet (*Vaidya*, column 11, lines 15-50). Thus, *Vaidya* does not appear to disclose or even suggest, either in the portion of *Vaidya* referred to by the Examiner or elsewhere in *Vaidya*, an “associative process engine operable to analyze a data packet with the signature file and assign a logical value to the signature file dependent upon a result from the analysis” as recited by Claim 7 (emphasis added). Accordingly, for at least these reasons, Applicant respectfully submits that *Vaidya* does not anticipate Claim 7.

Independent Claim 17 recites, at least in part, “reading a data packet,” “selecting a set of a plurality of signature files from a plurality of sets of signature files, each respective signature file of the plurality of sets of signature files generated from a respective rule of at least one rule set comprised of a plurality of rules” and “comparing the data packet with at least one signature file of the selected set.” In the Office Action pertaining to the rejection of Claim 17, the Examiner reproduces only the limitations of independent Claim 1 and then merely refers to various portions of *Vaidya* (Office Action, pages 2-3). Accordingly, because the Office Action fails to provide any indication of which components or purported teachings of *Vaidya* are relied upon by the Examiner to teach the limitations of Claim 17, Applicant finds it difficult, if not impossible, to adequately address the Examiner’s rejection. Applicant requests the Examiner to clearly indicate which components of *Vaidya* the Examiner is relying on to teach the limitations of Claim 7 so that Applicant may have an opportunity to

address the Examiner's concerns. For example, independent Claim 17 recites "selecting a set of a plurality of signature files from a plurality of sets of signature files, each respective signature file of the plurality of sets of signature files generated from a respective rule of at least one rule set comprised of a plurality of rules." Applicant respectfully submits that *Vaidya* does not appear to disclose or even suggest at least the above-referenced limitation(s) either in the portions of *Vaidya* referred to by the Examiner or elsewhere in *Vaidya*. Moreover, because the Examiner appears to have ignored the limitations recited by Claim 17 (Office Action, pages 2-3), Applicant is unable to determine what components or purported teachings of *Vaidya* the Examiner considers to correspond with at least the above-referenced limitation. For example, the Examiner does not appear to have explicitly indicated or identified in *Vaidya* what the Examiner considers to be "at least one rule set comprised of a plurality of rules" from which a signature file is generated. Therefore, for at least these reasons, Applicant submits that *Vaidya* does not anticipate Claim 17.

Claims 2-6, 8-16 and 18-20 that depend respectively from independent Claims 1, 7 and 17 are also not anticipated by *Vaidya* at least because they incorporate the limitations of respective Claims 1, 7 and 17 and also add additional elements that further distinguish *Vaidya*. Therefore, Applicant respectfully requests that the rejection of Claims 2-6, 8-16 and 18-20 be withdrawn.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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